

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Melanyn Rivas	Team: Squad #9	CCRB Case #: 202100437	<input checked="" type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input checked="" type="checkbox"/> Injury
Incident Date(s) Tuesday, 01/19/2021 5:55 PM	Location of Incident: § 87(2)(b)	Precinct: 75	18 Mo. SOL 7/19/2022	EO SOL 7/19/2022	
Date/Time CV Reported Wed, 01/20/2021 3:33 PM	CV Reported At: CCRB	How CV Reported: Call Processing System	Date/Time Received at CCRB Wed, 01/20/2021 3:33 PM		

Complainant/Victim	Type	Home Address
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)

Witness(es)	Home Address
§ 87(2)(b)	§ 87(2)(b)

Subject Officer(s)	Shield	TaxID	Command
1. POM Steve Torres	17913	959310	075 PCT
2. POF Taylor Corcoran	05130	964456	075 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Steve Torres	Discourtesy: Police Officer Steve Torres spoke discourteously to § 87(2)(b)	§ 87(2)(b)
B.POM Steve Torres	Force: Police Officer Steve Torres used physical force against § 87(2)(b)	§ 87(2)(b)
C.POM Steve Torres	Force: Police Officer Steve Torres used physical force against § 87(2)(b)	§ 87(2)(b)
D.POM Steve Torres	Discourtesy: Police Officer Steve Torres spoke discourteously to § 87(2)(b)	§ 87(2)(b)
E.POM Steve Torres	Force: Police Officer Steve Torres used physical force against § 87(2)(b)	§ 87(2)(b)
§ 87(4-b) § 87(2)(g)	§ 87(2)(b)	§ 87(2)(b)
§ 87(4-b) § 87(2)(g)	§ 87(2)(b)	§ 87(2)(b)

## Case Summary

On January 20, 2021, § 87(2)(b) filed the following complaint through the CCRB's call processing system on behalf of § 87(2)(b) and himself.

On January 19, 2021, at approximately 5:55 p.m., Police Officers Taylor Corcoran and Steve Torres of the 75<sup>th</sup> Precinct responded to a "crimes in progress" job regarding § 87(2)(b) who was intoxicated inside § 87(2)(b) in Brooklyn. After arriving on the scene, PO Corcoran and PO Torres attempted to communicate with § 87(2)(b) but due to his level of toxicity, § 87(2)(b) was not speaking properly. § 87(2)(b) and § 87(2)(b) who were in the lobby of the § 87(2)(b) attempted to assist the officers in speaking to § 87(2)(b). It was then when PO Torres allegedly used profanity towards § 87(2)(b) by saying, "Get the fuck out of here," and, "Mind your fucking business" (**Allegation A: Discourtesy**, § 87(2)(g)). PO Torres then grabbed the front of § 87(2)(b) jacket and pushed him (**Allegation B: Force**, § 87(2)(g)). It was also alleged that PO Torres tackled § 87(2)(b) to the floor, punched him, and dragged him across the lobby floor (**Allegation C: Force**, § 87(2)(g)).

Minutes after, Sergeant Richard Elliot, and Police Officers Sean Bauer, Justin Puccia, and James Murphy all from the 75<sup>th</sup> Precinct responded to the scene.

At that point, PO Torres and other officers allegedly used unspecified profane language while instructing § 87(2)(b) to move away (**Allegation D: Discourtesy**, § 87(2)(g)). PO Torres then allegedly placed his hand on § 87(2)(b) shoulder and pushed him backward (**Allegation E: Force**, § 87(2)(g)). § 87(2)(b) was then placed in a patrol vehicle and taken to the stationhouse.

§ 87(4-b) § 87(2)(g)

§ 87(2)(b) was not arrested or given a summons in relation to this incident. § 87(2)(b) was arrested for § 87(2)(b) and was given a summons for § 87(2)(b) (**Board Review 18**).

On February 12, 2021, the investigation obtained ten videos captured by the body-worn cameras of PO Torres, PO Corcoran, PO Bauer, PO Puccia, PO Murphy, and Sgt. Elliott (**Board Review 10-15**).

On February 12, 2021, the investigation obtained surveillance video captured by § 87(2)(b) from the surveillance cameras of § 87(2)(b) (**Board Review 17**).

This case was received by the CCRB on January 20, 2021. It was originally assigned to Inv. Valentina Concha but was reassigned to Inv. Melanyn Rivas on May 12, 2022, after Inv. Concha's departure from the agency. At the time of this reassignment, none of the officers had been interviewed.

## Findings and Recommendations

### **Allegation (A) Discourtesy: Police Officer Steve Torres spoke discourteously to § 87(2)(b)**

It is undisputed that PO Torres and PO Corcoran responded to a crime in progress regarding harassment inside of § 87(2)(b) after a staff member of § 87(2)(b) called 911 regarding § 87(2)(b) who was intoxicated at the location and swinging a cane.

In his CCRB interview, § 87(2)(b) explained that PO Torres and PO Corcoran entered § 87(2)(b) lobby and approached § 87(2)(b) (**Board Review 01**). PO Torres and PO Corcoran began speaking to § 87(2)(b) in English, but due to § 87(2)(b)'s level of intoxication, he would only listen to § 87(2)(b) and § 87(2)(b). PO Torres became frustrated because § 87(2)(b) was not listening to him or paying attention, and so PO Torres told § 87(2)(b) to back away by using phrases like, "Get the fuck out of here," and, "Mind your fucking business."

During his CCRB interview, PO Torres explained that immediately upon arriving on the scene, he and his partner entered the lobby of § 87(2)(b) and directed his attention to § 87(2)(b).

(Board Review 07). PO Torres attempted to speak to § 87(2)(b) in the lobby of the § 87(2)(b) and called EMS. As PO Torres waited for the ambulance, § 87(2)(b) and § 87(2)(b) § 87(2)(b) who were also in the lobby, “Became aggressive and threatening,” causing a public disturbance, and preventing PO Torres and PO Corcoran from asking questions. PO Torres and PO Corcoran instructed § 87(2)(b) and § 87(2)(b) to back up or move from the area. PO § 87(2)(b) [sic] stated he did not use any profanity during the interaction and did use any profanity toward § 87(2)(b) or § 87(2)(b).

During her CCRB interview, PO Corcoran testified that she did not witness PO Torres using any profanity during the interaction with § 87(2)(b) or § 87(2)(b) (Board Review 06).

PO Torres’ BWC depicts § 87(2)(b) being pushed by PO Torres at the 20-second mark (Board Review 19). However, given that the first minute of the BWC does not contain any audio, the investigation is unable to determine if PO Torres used profanity toward § 87(2)(b) during that time.

PO Corcoran’s BWC depicts § 87(2)(b) being pushed by PO Torres at the five-second mark (Board Review 20). However, given that the first minute of the BWC does not contain any audio, the investigation is unable to determine if PO Torres used profanity toward § 87(2)(b) during that time.

§ 87(2)(b) footage captured by § 87(2)(b) contains the same content seen in Sgt. Elliott’s BWC, and does not contain any audio; therefore, the investigation is unable to determine if PO Torres used profanity toward § 87(2)(b) based on this footage (Board Review 16).

Neither PO Bauer, PO Puccia, nor PO Murphy, were on the scene at the time that PO Torres allegedly used profanity towards § 87(2)(b) as a result, their BWCs do not caption this portion of the incident (Board Review 21).

§ 87(2)(g)

**Allegation (B) Force: Police Officer Steve Torres used physical force against § 87(2)(b)**

**Allegation (C) Force: Police Officer Steve Torres used physical force against § 87(2)(b)**

It is undisputed that PO Torres pushed § 87(2)(b) on the date of the incident.

During his interview with the CCRB, § 87(2)(b) stated that after PO Torres and PO Corcoran arrived on the scene, PO Torres told him to move away (Board Review 01). § 87(2)(b) moved away and turned on his cellphone to record. As § 87(2)(b) attempted to record, he witnessed PO Torres punching § 87(2)(b) in the face. PO Torres then grabbed onto the front of § 87(2)(b) jacket, placed him on the floor, and dragged him across the lobby floor. § 87(2)(b) hit a table with his left shoulder.

During his interview with the CCRB, § 87(2)(b) explained that he had noticed § 87(2)(b) intoxicated in the § 87(2)(b) lobby when PO Torres and PO Corcoran arrived (Board Review 02). § 87(2)(b) was a Spanish speaker, and so, § 87(2)(b) asked PO Torres and PO Corcoran if they would like for him to translate. The § 87(2)(b) employee told § 87(2)(b) to mind his own business. PO Torres then turned toward § 87(2)(b) grabbed his left shoulder, and took § 87(2)(b) to the ground. § 87(2)(b) was not able to provide any additional information regarding the takedown. § 87(2)(b) landed face-up on the ground and PO Torres placed his knee on § 87(2)(b) shoulder. § 87(2)(b) was later told, by an unknown individual, that PO Torres had punched him in the face. § 87(2)(b) did not have an independent recollection of being punched.

In his CCRB interview, PO Torres explained that directly upon his arrival on the scene PO Torres entered the § 87(2)(b) lobby and directed his attention to § 87(2)(b) PO Torres attempted to speak to § 87(2)(b) in the lobby of the § 87(2)(b) and called EMS (Board Review 07). As he waited for § 87(2)(b)’s ambulance, § 87(2)(b) and § 87(2)(b) kept moving toward PO Torres and PO Corcoran to tell them that they did not need to be on the scene because § 87(2)(b) was fine. The building security and the security supervisor instructed § 87(2)(b) and § 87(2)(b) to go outside or to go to their rooms. PO Torres and PO Corcoran also instructed § 87(2)(b) and § 87(2)(b).

§ 87(2)(b) more than three to five times to leave the area. In one of the instances, § 87(2)(b) approached § 87(2)(b) and PO Torres and stood approximately one foot between PO Torres and § 87(2)(b) as they spoke. PO Torres explained that § 87(2)(b) was a distraction and he wanted to make sure that he and his partner were safe. When asked if § 87(2)(b) was doing anything else that warranted his attention, PO Torres explained that § 87(2)(b) body language was threatening, specifically, § 87(2)(b) was “high energy and moving around a lot.” PO Torres did not remember whether § 87(2)(b) was making any mannerisms that were of concern. PO Torres instructed § 87(2)(b) to back up, go outside, or go upstairs, but § 87(2)(b) did not comply. PO Corcoran gave the same instructions. PO Torres explained that § 87(2)(b) was causing a public disturbance as he was preventing PO Torres and PO Corcoran from asking questions (**Board Review 07**). It was at that point when PO Torres, “Grabbed him § 87(2)(b) and pushed him out of the way”. PO Torres explained that the push was a shoving-like motion, in which he grabbed the sleeves of § 87(2)(b) s coat. As a result of the push, § 87(2)(b) backed up, but PO Torres did not recall § 87(2)(b) sustaining injuries, falling to the floor, or hitting a table. PO Torres stated that aside from that push, he did not make any other physical contact with § 87(2)(b). § 87(2)(b) was not arrested at that point, because PO Torres considered that taking care of § 87(2)(b) was more important at the time. When asked if he was rendering aid to § 87(2)(b) at the time that he pushed § 87(2)(b) PO Torres stated that he was just speaking to § 87(2)(b) and attempting to get information out of § 87(2)(b) regarding his injuries.

In her CCRB interview, PO Corcoran explained that directly after their arrival on the scene PO Corcoran and her partner attempted to render aid to § 87(2)(b) in the lobby of § 87(2)(b), while § 87(2)(b) and § 87(2)(b) stood nearby (**Board Review 06**). As PO Corcoran and PO Torres attempted to speak with § 87(2)(b), § 87(2)(b) and § 87(2)(b) became angry and began yelling. § 87(2)(b) began walking toward PO Corcoran and PO Torres in an attempt to approach § 87(2)(b). PO Corcoran and PO Torres requested that § 87(2)(b) move back, and security personnel at § 87(2)(b) repeatedly asked § 87(2)(b) to leave the location but § 87(2)(b) did not comply. PO Corcoran and PO Torres instructed § 87(2)(b) and § 87(2)(b) to leave the location approximately three to four times. In response, § 87(2)(b) stated that he did not need to listen to them and that they did not have a purpose on the scene. It was at that point that, PO Torres pushed § 87(2)(b) away in a swooping motion sideways. § 87(2)(b) did not fall or sustain any injuries as a result of the push. PO Corcoran stated that § 87(2)(b) was never tackled to the ground, nor was a knee ever placed on his neck.

From the zero-second mark to the twenty-second mark, PO Torres’ BWC captures § 87(2)(b) standing approximately six feet away from § 87(2)(b) (who is sitting on a chair in front of him) and an arms-length away from PO Torres and PO Corcoran (who are to his right-hand side). Neither PO Torres nor PO Corcoran are seen rendering any aid to § 87(2)(b). PO Torres grabs the right and back of § 87(2)(b) jacket with both of his hands and pushes § 87(2)(b) towards the lobby door (**Board Review 19**). § 87(2)(b) does not fall as a result of the push. PO Torres’ BWC does not capture PO Torres using any other force towards § 87(2)(b).

After his arrival on the scene, Sgt. Elliott’s BWC captures him viewing surveillance footage from § 87(2)(b) (**Board Review 22**). The surveillance footage captures PO Torres and PO Corcoran’s arrival on the scene prior leading up to PO Torres pushing § 87(2)(b). At the 5:46, minute mark PO Torres and PO Corcoran are seen arriving on the scene at the 6:10 minute mark, PO Torres is seen pushing § 87(2)(b) once. The remainder of Sgt. Elliott’s BWC does not capture any other use of force towards § 87(2)(b).

NYPD Patrol Guide Procedure 221-01 states that force, “May be used when it is reasonable to ensure the safety of a member of the service or a third person, or otherwise protect life, or when it is reasonable to place a person in custody or to prevent escape from custody” (**Board Review 23**).

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

**Allegation (D) Discourtesy: Police Officer Steve Torres spoke discourteously to § 87(2)(b)**

**Allegation (E) Force: Police Officer Steve Torres used physical force against § 87(2)(b)**

During his CCRB interview, § 87(2)(b) explained that as § 87(2)(b) was being placed under arrest, PO Torres and other officers used unspecified profane language while instructing § 87(2)(b) to move away, but § 87(2)(b) was not able to describe what was said or who specifically said it (**Board Review 01**). During the same time, PO Torres placed his hand on § 87(2)(b) shoulder and pushed him backward. § 87(2)(b) had the wheel brakes on, so he did not move backward but his torso moved backward.

In his CCRB interview, PO Torres stated that he never used profanity toward § 87(2)(b). PO Torres did not make any physical contact with § 87(2)(b) on the date of the incident (**Board Review 07**).

In her CCRB interview, PO Corcoran stated that she did not witness PO Torres using any force on § 87(2)(b) nor using profanity during the incident (**Board Review 06**).

From the 10:48 minute mark to the 14:00 minute mark, PO Torres' BWC captures the time frame when PO Bauer, PO Puccia, PO Murphy, and Sgt. Elliott arrives on the scene (**Board Review 19**). This portion of the BWC also captures § 87(2)(b) being placed in handcuffs. No officer is heard using any profanity toward § 87(2)(b) nor making any physical contact with § 87(2)(b).

§ 87(2)(g)

§ 87(2)(g)

§ 87(4-b), § 87(2)(g)

### **Civilian and Officer CCRB Histories**

- This is the first CCRB complaint to which § 87(2)(b) has been a party.
- PO Torres has been a member of service for six years and has been a subject of sixteen CCRB complaints and fifty-eight allegations, of which four were substantiated:
  - 201807424 involved substantiated allegations of abuse of authority (three times) and discourtesy (once) against PO Torres. The Board recommended “formalized training” and the NYPD imposed “formalized training”.
- § 87(2)(g)

### Mediation, Civil, and Criminal Histories

- § 87(2)(g)
- As of May 24, 2022, the New York City Office of the Comptroller has no record of a Notice of Claim filed by § 87(2)(b) with the New York City Comptroller’s Office relevant to the date and address of the incident.
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

Squad: \_\_\_\_\_ 9 \_\_\_\_\_

Investigator:	_____ Melanyn Rivas Signature	_____ Investigator Melanyn Rivas Print Title & Name	_____ 05/27/2022 Date
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Squad Leader:	_____ Monique West Signature	_____ IM Monique West Print Title & Name	_____ 6/24/2022 Date
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Reviewer:	_____ Signature	_____ Print Title & Name	_____ Date
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